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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

J.T., a minor, by his Parent and Guardian ad
Litem N.M.,

Plaintiffs,

v.

ANTIOCH UNIFIED SCHOOL DISTRICT, et
al.,

Defendants.

Case No.: 3:18-cv-02992 LB

**STIPULATION AND PROPOSED ORDER
FOR DISMISSAL OF CASE WITH
PREJUDICE**

ANTIOCH UNIFIED SCHOOL DISTRICT,

Third-Party Plaintiff,

v.

SPECTRUM CENTER, INC.,
PHILADELPHIA INDEMNITY
INSURANCE COMPANY, AND ROES
1 through 50

Third-Party Defendants.

WHEREAS, Plaintiff J.T. by and through his Parent and guardian ad litem N.M. (“J.T.”) filed a complaint against Defendant Antioch Unified School District (“District”) seeking the reversal of an administrative special education due process decision pursuant to 20 U.S.C. §1415(i)(3) and brought causes of action for denial of a Free and Appropriate Public Education, violation of the Equal Protection Clause of the Fourteenth Amendment, violation of Title VI of the Civil Rights Act of 1964, violation of the Educational Opportunities Act of 1974, violation of the Americans with Disabilities Act, violation of 42 U.S.C. §1983, and Section 504 of the Rehabilitation Act.

WHEREAS, District filed a Third-Party Complaint against Spectrum Center, Inc. ("Spectrum"), and Philadelphia Indemnity Insurance Company ("Philadelphia") asserting causes of action for indemnity, express contractual indemnity, express indemnity, contribution, general declaratory relief, declaratory relief on duty to defend, declaratory relief on duty to indemnify, breach of contract re: insurance provision, breach of contract of duty to defend, breach of contract of duty to indemnify, breach of insurance contract, and breach of the covenant of good faith and fair dealing.

WHEREAS, all of the Parties to this Action have entered into a written settlement agreement and mutual release, by which the parties agree to a mutual release and waiver of all claims (whether based in tort, contract, or another theory of recovery) arising from the facts alleged in the Complaint or in the Third Party Complaint, including, but not limited to, an action seeking the reversal of the administrative special education due decision.

WHEREAS, in the written settlement agreement referenced above, District, Spectrum, and Philadelphia release all claims and causes of action against each other arising out of the present matter, including but not limited to all claims for equitable and contractual indemnity.

WHEREAS, the settlement agreement resolves the matter in its entirety.

WHEREAS, all conditions of the settlement agreement have been performed and met.

THEREFORE, all of the Parties to this Action, by and through their respective counsel of record, pursuant to Federal Rules of Civil Procedure 41(a)(1), respectfully request that the Court issue an Order dismissing this Action with prejudice in its entirety. Each Party shall bear its own attorneys' fees and costs. This stipulation and dismissal completely terminates the above-entitled Action against all Parties.

IT IS SO STIPULATED.

Dated: December 9, 2019

LEONE & ALBERTS

/s/ Ioana R. Burson

IOANA R. BURSON

Attorneys for Defendant

ANTIOCH UNIFIED SCHOOL DISTRICT

Dated: December 9, 2019

LAW OFFICE OF NICOLE HODGE AMEY

/s/ Nicole Hodge Amey

NICOLE HODGE AMEY
Attorneys for Plaintiff
J.T. a minor, by Parent and Guardian ad
Litem N.M.

Dated: December 9, 2019

NIELSEN KATIBAH LLP

/s/ James Nielsen

JAMES NIELSEN
Attorneys for Third Party Defendant
PHILADELPHIA INDEMNITY INSURANCE
COMPANY

Dated: December 9, 2019

SEVERSON & WERSON

/s/ Elizabeth A. Trittipo

ELIZABETH A. TRITTIPO
Attorneys for Third Party Defendant
SPECTRUM CENTER INC.

I, NICOLE HODGE AMEY, am the ECF User whose ID and password are being used to file this JOINT STIPULATION AND PROPOSED ORDER FOR DISMISSAL OF CASE WITH PREJUDICE. In compliance with Local Rule 5-1(i)(3), I hereby attest that attorneys Ioana R. Burson, James Nielsen and Elizabeth Trittipo have concurred in this filing.

ORDER

Based on the stipulation of the parties, and good cause appearing therefor,

IT IS ORDERED that this Action be, and hereby is, DISMISSED WITH PREJUDICE.

Each party shall bear its own costs and attorneys' fees.

DATED: _____

HON. LAUREL BEELER

Magistrate Judge of the U.S. District Court Northern District of California

CERTIFICATE OF SERVICE

On this day I electronically filed the following document(s) with the Clerk of the Court using the CM/ECF system:

STIPULATION AND PROPOSED ORDER FOR DISMISSAL OF CASE WITH PREJUDICE which will send notification of such filing to all parties of interest participating in the CM/ECF system and the party listed below is currently on the list to receive e-mail for this case:

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Dated: December 9, 2019

/s/ Nicole Hodge Amey
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